

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30500 of 2017

Arising Out of PS.Case No. -446 Year- 2016 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

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1. Hasarat Khan @ Amanullah Khan Son of Late Md. Saheb Khan,
Resident of Village- Ramdhan Mandir, P.S.- Bagaha, District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R. P. Sinha, Sr. Advocate
Mr. Vijay Kr Singh No. 1

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-08-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
13.02.2017 in connection with Bagaha P.S. Case No. 446/2016 for
offences punishable under Sections 302/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that her husband Abdul Aziz carries on his livelihood by selling eggs
in the market and used to come home at 10.00 P.M. everyday but on
the date of incident he did not return and when search was made his
body was found near the Kabristan and he was brutally assaulted on
the chest and abdomen, who succumbed to the injuries. It is



further alleged that her grandson Tipu Sultan had a love affair with Rabia Khatoon, wife of the petitioner and, hence, petitioner along with other co-accused must have killed her husband.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that his wife was having affair with the grandson of the deceased and it was not probable that the petitioner would have killed the deceased. He further submits that his confessional statement before the police has no evidentiary value in the eye of law and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that one Jai Prakash Ram was engaged for the said killing by the petitioner and the CDR location of the mobile of the said co-accused was at the place of occurrence.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, 1st, Bagaha, West Champaran, in connection with Bagaha P.S. Case No. 446/2016, subject to the



condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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